

REMARKS/ARGUMENTS

The foregoing amendment and the following arguments are provided to impart precision to the claims, by more particularly pointing out the invention, rather than to avoid prior art.

35 U.S.C. § 112 Rejections

Examiner rejected claims 14, 30 and 32-35 under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirements. The Examiner asserts that these claims contain subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Without admitting that the Examiner's position is correct, claims 14 and 30 have been cancelled. Claim 35 has been amended to correct its antecedent basis. Because of amendments to claim 1, which removed the feature discussed by the Examiner, the Applicant contends that claims 32-35 are enabled.

35 U.S.C. § 102(b) Rejections

Examiner rejected claims 1-3, 11, 14-16, 18-19, 21-24, 29, 31 and 42 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 4,910,642 (hereinafter "Dowing").

Claims 14 and 24 have been cancelled.

Claims 1 and 42, as amended, include a limitation of a heat sink attached to an interior surface of said closed end to cause heat absorbed by said closed

end to be conducted through said conduit and said flexible channel. Dowling does not teach such a limitation, and as a result does not anticipate claims 1 and 42. Specifically, regarding the now-cancelled claim 24, the Examiner asserts that element 18 of Downing is a heat sink. However, the lowermost orifice plate 18 is part of a larger laminated stack of orifice plates used to direct fluid from impingement jets (Col. 3, lines 1-10, Col. 4, lines 39-45). As such, the orifice plate is not a heat sink as it is well known. Further, the laminated stack is also not a heat sink, since the laminated stack is used to direct fluid flow.

Additionally, neither the orifice plate 18 nor the laminated stack are attached to an interior surface of a closed end of a bellows, as in claims 1 and 42. Specifically, the end plate 27 of the laminated stack, as shown in Figure 1, is not attached to the end cap 28. Further, even though Figure 2 shows the end plate 27 touching the end cap 28, the laminated stack is suspended on a bellows 20, and is pressed against the end cap 28 when fluid pressure is developed. Dowling teaches that the plate 27 'abuts' against the metal end cap 28 (Col. 4, lines 43-45), which is not equivalent to attachment. Therefore, for these reasons, claim 1 is not anticipated by Dowling.

Further, none of the several embodiments of Yamamoto teach a heat sink attached to the heat transfer plate 3. Further, there is no suggestion to combine Yamamoto with Akamatsu. The cooling module of Yamamoto, shown in Figures 1 and 2, includes a flow diverter to direct coolant toward the heat transfer plate 3 (Col. 4, lines 55-59). If one were to add the fins 13 of Akamatsu to the cooling module of Yamamoto, the cooling fins 13 would disrupt the flow of coolant in the cooling module, and the coolant would not reach the heat transfer plate 3, as intended by Yamamoto.

Further, Akamatsu teaches away from a combination with a structure including bellows, stating that bellows are likely to leak (Col. 2, lines 21-26). Therefore, since the fins would disrupt the flow of the cooling module of Yamamoto, and since Akamatsu teaches against using bellows in a cooling module, claims 1 and 42 are patentable over Yamamoto and Akamatsu.

Claims 2-3, 11, 15-16, 18-19, 21-23, 29 and 31 depend from claim 1, and therefore include all the limitations of claim 1. As a result, since claim 1 is patentable, claims 2-3, 11, 15-16, 18-19, 21-23, 29 and 31 are also patentable.

35 U.S.C. § 103(a) Rejections

Examiner rejected claims 4-5, 7, 9-10, 12-13, 17, 25-28, 43, and 45-46 under 35 U.S.C. § 103(a) as being unpatentable by U.S. Patent 4,910,642 (hereinafter "Dowing").

Claims 4-5, 7, 9-10, 12-13, 17, 25-28, 43, and 45-46 depend from claim 1 or claim 42, and therefore include all the limitations of claim 1 or claim 42. Since claims 1 and 42 are not anticipated by Dowling, claims 4-5, 7, 9-10, 12-13, 17, 25-28, 43, and 45-46 are patentable over Dowling.

Examiner rejected claims 20 and 30 under 35 U.S.C. § 103(a) as being unpatentable by Dowling in view of U.S. Patent 4,920,574 (hereinafter "Yamamoto").

Claim 30 has been cancelled.

Claim 20 depends from claim 1, and therefore include all the limitations of claim 1. Since claim 1 is not anticipated by Dowling, claim 20 is patentable over Dowling and Yamamoto.

CONCLUSION

Applicant respectfully submits the present application is in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call Arlen M. Hartounian at (408) 720-8300.

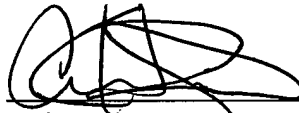
Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

Date: _____

6/16/04



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